

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EMMETT JOHNSON, III,

Plaintiff,

v.

Honorable Thomas L. Ludington
Case Number : 07-10963-BC

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on a report issued by Magistrate Judge Mona K. Majzoub on April 22, 2008. The magistrate judge recommended denying Plaintiff Emmett Johnson, III's motion for summary judgment and granting Defendant Commissioner of Social Security's motion for summary judgment, because there was substantial evidence in the record that Plaintiff could perform a significant number of jobs in the economy. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #19] is **ADOPTED**, that Plaintiff's motion for summary judgment [dkt #12] is **DENIED**, that Defendant's motion for summary judgment [dkt #16] is **GRANTED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 2, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 2, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS